

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 13-cv-00445-WJM-KMT

JOSEPH J. GOMEZ, on behalf of himself and all others similarly situated,

Plaintiff,

v.

KROLL FACTUAL DATA, INC.,

Defendant.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

This matter is before the court on “Plaintiff’s Motion for Leave to File Second Amended Complaint” (Doc. No. 54, filed November 14, 2013). The Motion is GRANTED, pursuant to District Judge William J. Martínez’s “Order Denying Defendant’s Motion to Dismiss.” (See Doc. No. 62 at 7 n.3.) As Judge Martínez noted, the Second Amended Complaint does not differ substantially from the Amended Complaint. (*Id.*) Moreover, because Plaintiff has requested that the court allow the amendment attached to the Motion for Leave to File Second Amended Complaint (see Doc. No. 65 at 1 n.1), the motion is timely. Additionally, the court does not find any undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, or undue prejudice to the defendant by virtue of the amendment. *Foman v. Davis*, 371 U.S. 178, 182 (1962). Finally, Judge Martínez ruled that the Plaintiff has stated a claim (see Doc. No. 62 at 7), and thus the defendant’s futility argument fails. *Foman*, 371 U.S. at 182.

Dated: March 27, 2014